

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- -x
ARMEN DJERRAHIAN,

14 Civ. 8171 (WHP)

Plaintiff,

- against -

SOURCE DIGITAL, INC.,

Defendant.

----- -x

ANSWER TO AMENDED COMPLAINT

Defendant, by its attorneys, Norwick, Schad & Goering, for its Answer to plaintiff's Amended Complaint, states:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Amended Complaint.
2. Admits the allegations of paragraph 2 in the Amended Complaint.
3. Admits that this purports to be an action for copyright infringement.
4. Admits that jurisdiction is apparently conferred upon this Court by 28 U.S.C. 1338.
5. Admits that venue in the Southern District of New York is apparently proper pursuant to 28 U.S.C. 1400.
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Amended Complaint.

7.. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Amended Complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Amended Complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9 of the Amended Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the Amended Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 of the Amended Complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Amended Complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 of the Amended Complaint.

14. Denies the allegations in paragraph 14 of the Amended Complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 of the Amended Complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 of the Amended Complaint.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17 of the Amended Complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18 of the Amended Complaint.

19. Denies the allegations in paragraph 19 of the Amended Complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20 of the Amended Complaint.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21 of the Amended Complaint.

22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 22 of the Amended Complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 of the Amended Complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24 of the Amended Complaint.

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 of the Amended Complaint.

26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 26 of the Amended Complaint.

27. Denies the allegations in paragraph 27 of the Amended Complaint.

28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28 of the Amended Complaint.

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29 of the Amended Complaint.

30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 30 of the Amended Complaint.

31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 31 of the Amended Complaint.

32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32 of the Amended Complaint.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 33 of the Amended Complaint.

. 34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 34 of the Amended Complaint.

35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 35 of the Amended Complaint.

36. Admits the allegations in paragraph 36 of the Amended Complaint.

37. Except as admitted in paragraph 36 above, denies the allegations in paragraph 37 of the Amended Complaint.

38. Admits that it covers urban culture including rap and hip hop music as well as other forms of entertainment and news of interest to a urban audience and otherwise denies the allegations in Paragraph 38 of the Amended Complaint.

39. Denies the allegations in paragraph 39 of the Amended Complaint.

40. Denies the allegations in paragraph 40 of the Amended Complaint.

41. Admits that Exhibit "C" to the Amended Complaint appears to include a reproduction from Defendant's website and otherwise denies the allegations in paragraph 41 of the Amended Complaint.

42. Admits that Exhibit "C" to the Amended Complaint appears to include a reproduction from Defendant's website and otherwise denies the allegations in paragraph 42 of

the Amended Complaint.

43. Denies the allegations in paragraph 43 of the Amended Complaint.

44. Admits that Exhibit “D” to the Amended Complaint appears to include a reproduction from Defendant’s website and otherwise denies the allegations in paragraph 44 of the Amended Complaint.

45. Although Defendant states that no such license was needed, admits that Defendant never sought nor obtained a license by Plaintiff for the alleged use in question.

46. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 46 of the Amended Complaint and defers to another day comment on the propriety of Plaintiff’s alleged actions.

47. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 47 of the Amended Complaint and defers to another day comment on the propriety of Plaintiff’s alleged actions.

48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 48 of the Amended Complaint and defers to another day comment on the propriety of Plaintiff’s alleged actions.

49. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 49 of the Amended Complaint.

50. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 50 of the Amended Complaint except admits that the letter apparently reproduced as Exhibit “E” to the Amended Complaint was sent to “The Northstar Group.”

51. Denies the allegations in paragraph 51 of the Amended Complaint.

52. Respectfully refers the Court to Exhibit “E” to the Amended Complaint for its contents and context.

53. Respectfully refers the Court to Exhibit “E” to the Amended Complaint for its contents and context.

54. Denies the allegations in paragraph 54 of the Amended Complaint but admits that there has been no resolution among Plaintiff and Defendant.

55. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 55 of the Amended Complaint and defers to another day comment on the propriety of Plaintiff’s alleged actions.

56. Admits the allegations in paragraph 56 of the Amended Complaint.

57. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 57 of the Amended Complaint.

58. Although Defendant states that no such compensation was needed, admits that Defendant has not provided compensation to Plaintiff.

59. Denies the allegations in paragraph 59 of the Amended Complaint to the extent they refers to legal obligations that are the province of the courts.

60. Denies the allegations in paragraph 60 of the Amended Complaint.

61. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 61 of the Amended Complaint.

62. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 62 of the Amended Complaint.

63. Denies the allegations in paragraph 63 of the Amended Complaint.

64. States that no response is required to the allegations in paragraph 64 of the Amended Complaint.

65. Denies the allegations in paragraph 65 of the Amended Complaint.

66. Denies the allegations in paragraph 66 of the Amended Complaint.

67. Denies the allegations in paragraph 67 of the Amended Complaint.

68. Denies the allegations in paragraph 68 of the Amended Complaint.

69. Denies the allegations in paragraph 69 of the Amended Complaint.

70. Denies the allegations in paragraph 70 of the Amended Complaint.

71. Denies the allegations in paragraph 71 of the Amended Complaint.

72. Denies the allegations in paragraph 72 of the Amended Complaint.

73. Denies the allegations in paragraph 73 of the Amended Complaint.

74. Denies the allegations in paragraph 74 of the Amended Complaint.

75. Denies the allegations in paragraph 75 of the Amended Complaint.

76. Denies the allegations in paragraph 76 of the Amended Complaint.

77. Denies the allegations in paragraph 77 of the Amended Complaint.

78. Denies the allegations in paragraph 78 of the Amended Complaint.

79. Denies the allegations in paragraph 79 of the Amended Complaint.

80. Denies the allegations in paragraph 80 of the Amended Complaint.

81. Denies the allegations in paragraph 81 of the Amended Complaint.

82. Denies the allegations in paragraph 82 of the Amended Complaint.

83. Denies the allegations in paragraph 83 of the Amended Complaint.

84. Denies the allegations in paragraph 84 of the Amended Complaint.

First Defense

85. The Amended Complaint fails to state a claim upon which relief can be granted.

Second Defense

86. Plaintiff's claims are barred by the doctrine of fair use.

Third Defense

87. Plaintiff has waived, abandoned, and is estopped from asserting the claims in the Amended Complaint as a result of his own conduct, including his acquiescence in the unauthorized use of the photographs at issue.

Fourth Defense

88. Plaintiff's claims are barred, in whole or in part, by the doctrines of laches, waiver and estoppel.

Fifth Defense

89. Any use made of Plaintiff's work was made with innocent intent and in the good faith belief that that use was duly and lawfully authorized.

Sixth Defense

90. Plaintiff's claims are barred, in whole or in part, because plaintiff has suffered no damages.

Seventh Defense

91. Plaintiff's claims are barred, in whole or in part, by the doctrines of justification and privilege.

Eighth Defense

92. Plaintiff's claims are barred, in whole or in part, by the doctrines of implied license.

Ninth Defense

93. Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.

Tenth Defense

94. Plaintiff's claims are barred, in whole or in part, because the alleged copyright registrations are invalid.

Eleventh Defense

95. Plaintiff's claims are barred, in whole or in part, by Plaintiff's failure to mitigate damages.

Reservation of Defenses

96. Defendant reserves the right to assert and rely upon other defenses that become available or appear during the course of this litigation.

WHEREFORE, defendant demands judgment 1) dismissing the Complaint in its entirety, and 2) awarding to it its costs, attorneys' fees, and such other relief as the Court deems just.

Dated: February 17, 2015

NORWICK, SCHAD & GOERING

By: /s/ Kenneth P. Norwick

Kenneth P. Norwick

110 East 59th Street

New York, NY 10022

(212) 751-4440

ken@norwickschad.com